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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,069	10/05/2000	Daniel R. Pearson	10006131-1	8727

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EXAMINER

POKRZYWA, JOSEPH R

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/680,069	PEARSON ET AL.	
	Examiner	Art Unit	
	Joseph R. Pokrzywa	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 8/30/04, and has been entered and made of record. Currently, **claims 1-13** are pending.

Response to Arguments

2. Applicant's arguments filed 8/30/04 have been fully considered but they are not persuasive.

3. In response to applicant's arguments regarding the rejections of *claims 1, 8 and 13*, which were cited in the Office action dated 5/26/04 as being anticipated by Lo *et al.* (U.S. Patent Number 5,911,044), whereby applicant argues on page 2 that Lo fails to teach of linking a set of pre-stored driving modules as required in claim 1, of linking driver modules from a set of driver modules and controlling a scan job according to the driver modules as required by claim 8, or of configuring the scan driver module from a set of scan driver modules as required by claim 13.

The applicant further cites portions of Lo on pages 2 and 3 (column 5, beginning at line 31) that teach of a source device driver 42, which is usually written by the manufacturer of the scanner 50 and may be installed in a manner analogous to installing a print driver in a windows based computer. The examiner notes that the driver 42, argued by applicant, is depicted in Fig. 1, noted as prior art, whereby Lo is describing a conventional TWAIN driver system. Lo's invention is shown in Fig. 3, whereby a "virtual" TWAIN driver 106 is utilized, whereby as read in column 15, lines 41-44, "the virtual TWAIN device driver ...allows the user to edit the scanner

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parameters at the client computer 102". Thus, the virtual TWAIN driver 106, stored within the client computer 102, allows users of the computer 102 to configure a scan driver, as if the virtual scan driver was directly connected to an image scanner, as read in column 2, lines 22-38.

4. With respect to claim 1, Lo teaches of configuring a scan driver (virtual twain device driver 106, stored in the client computer 102) for a scan job for a scan peripheral when a scan job is requested by a client by linking a set of pre-stored driving modules, whereby in column 15, line 41 through column 16, line 2, the newly set parameters are "linked" with pre-stored scanner parameters that were stored in the server 130. Thus, the pre-stored scanner parameters are being interpreted as the "pre-stored driving modules". With this one of ordinary skill in the art can recognize that Lo teaches of configuring a scan driver for a scan job for a scan peripheral when a scan job is requested by a client by linking a set of pre-stored driving modules, as required in claim 1. Similarly, Lo can be interpreted as teaching of linking driver modules from a set of driver modules and controlling a scan job according to the driver modules, as required by claim 8, and of configuring the scan driver module from a set of scan driver modules as required by claim 13.

5. In response to applicant's argument regarding the rejection of claim 12, whereby applicant argues that Lo fails to teach of a peripheral that stores in its memory a scan capability descriptor and communicates the capability descriptor in response to a query requesting the same. Further, applicant argues that nothing in Lo teaches that the scan devices 50 or 144 store a capability descriptor or responds to queries regarding the same. The examiner notes that as the claim is currently worded, one of ordinary skill in the art can interpret the peripheral as the scanner server 130. As read in column 7, lines 48-51, scan task software 134 within the scanner

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server 130 “controls the scanning operations for both the scan-to-application operation and the scan-to-file operation.” Thus, as seen in Fig. 3, the scanner server 130 comprises a “system” for scanning documents and producing electronic data therefrom, being interpreted as the scan task software 134, along with the combination of the TWAIN driver 136, the SCSI interface 138, and the scanner 144. With this, Lo can be seen as teaching of the peripheral (scanner server 130) storing in its memory a scan capability descriptor, as read in column 8, line 21 through column 9, line 24, and communicating the capability descriptor in response to a query requesting the same, as read in column 12, lines 20 through 50.

6. Therefore, the rejection of **claims 1-13**, as cited in the Office action dated 5/26/04 under 35U.S.C.102(b) as being anticipated by Lo et al. (U.S. Patent Number 5,911,044), is maintained and repeated in this Office action.

Claim Rejections - 35 USC § 102

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. **Claims 1-13** are rejected under 35 U.S.C. 102(b) as being anticipated by Lo *et al.* (U.S. Patent Number 5,911,044, cited in the Office action dated 5/26/04).

Regarding **claim 1**, Lo discloses a program for interfacing a client computer (client computer 102) to one or more scan peripheral devices (scanner server 130), the program comprising functions for querying a scan peripheral for a capability descriptor (scanner parameters or settings, column 12, lines 7 through 50, and column 15, line 34 through column 16, line 64, seen in step 468 in Fig. 8B), determining whether an appropriate capability

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descriptor is obtained in response to the step of querying (step 470 in Fig. 8B), storing a capability descriptor associated with a scan peripheral for which an appropriate information capability descriptor has been received as determined in the step of determining (step 472 in Fig. 8C, column 7, lines 16 through 47, column 10, lines 33 through 67, and column 15, line 34 through column 16, line 2), configuring a scan driver (virtual twain device driver 106 or twain driver 136) for a scan job for a scan peripheral when a scan job is requested by a client by linking a set of pre-stored driving modules (column 12, lines 20 through 62, and column 15, line 41 through column 16, line 2), a set of pre-stored driving modules being selected according to user set parameters in the scan job and capabilities indicated in a stored information capability descriptor concerning a scan peripheral to which the scan job is directed (column 12, lines 20 through 62, and column 15, line 41 through column 16, line 2).

Regarding *claim 2*, Lo discloses the program discussed above in claim 1, and further teaches of a step of de-linking pre-stored driving modules upon completion of a scan job (column 12, lines 38 through 50, and column 17, lines 7 through 18).

Regarding *claim 3*, Lo discloses the program discussed above in claim 1, and further teaches that the step of configuring includes extracting information from a stored capability descriptor to alter a user interface dependent upon a peripheral's capabilities (column 15, line 41 through column 16, line 3).

Regarding *claim 4*, Lo discloses the program discussed above in claim 1, and further teaches that a capability descriptor stored in the step of storing comprises a string including fields indicating dots per inch capabilities (column 15, lines 41 through 55), paper size capabilities (see Fig. 10, "image size"), color/grayscale options (column 15, lines 41 through 55),

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image formats supported (column 15, lines 41 through 55, and column 22, lines 4 through 16), and whether or not a preview scan is supported (column 15, lines 41 through 55, whereby if no slidable graphic control button mark appear, then a lower resolution scan could not be adjusted for a preview image).

Regarding *claim 5*, Lo discloses the program discussed above in claim 1, and further teaches that the program is stored in a server which provides an interface to a network and at least one scan peripheral (column 13, lines 35 through 65).

Regarding *claim 6*, Lo discloses the program discussed above in claim 1, and further teaches that the program is stored in a computer connected to at least one scan peripheral (column 13, lines 35 through 65).

Regarding *claim 7*, Lo discloses the program discussed above in claim 1, and further teaches of functions for obtaining a model of scan peripheral for a peripheral when the function for determining determines that an appropriate capability descriptor was not received in response to a query conducted by the function for querying (column 12, lines 20 through 62, and column 15, line 41 through column 16, line 2), and associating a pre-stored capability descriptor with a scan peripheral whose model was determined by the step of obtaining (column 12, lines 20 through 62, and column 15, line 41 through column 16, line 2).

Regarding *claim 8*, Lo discloses a scan peripheral server (scanner server 130) having a network connection interface and one or more ports (column 9, lines 1 through 24) for connection to at least one scan peripheral (client computer 102), the server including memory for storing capability descriptors defining capabilities of scan peripherals (column 15, line 56 through column 16, line 2), memory for storing a set of driver modules (column 8, lines 21

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through column 9, line 24), and a program for controlling execution of scan jobs requested from the network connection of a scan peripheral connected to one of the one or more ports (column 7, lines 48 through column 8, line column 9, line 24), the program comprising functions for obtaining a capability descriptor from one or more scan peripherals connected to any of the one or more ports (column 12, lines 20 through 50, and column 15, lines 10 through 65), storing a received capability descriptor in the memory for storing capability descriptors (column 15, lines 56 through 65), accepting a scan job request from the network connection for one or more scan peripherals attached to the one or more ports (column 16, lines 10 through 64), extracting capability information from a stored capability descriptor in response to a scan job (column 16, lines 54 through 64), sending information to the network connection to modify a user interface (column 15, lines 10 through 40), accepting parameters for a scan job from the network connection (column 15, lines 41 through 65), linking driver modules from the set of driver modules according to capability information extracted by the function for extracting and parameters accepted by the function for accepting (column 12, lines 20 through 62, and column 15, line 41 through column 16, line 2), and controlling a scan job according to the driver modules linked in the function for linking (column 16, lines 10 through 64).

Regarding *claim 9*, Lo discloses the server discussed above in claim 8, and further teaches that the capability descriptor comprises a data string of capability data (column 12, lines 20 through 62, and column 15, line 41 through column 16, line 2).

Regarding *claim 10*, Lo discloses the server discussed above in claim 8, and further teaches that the program for controlling execution of scan jobs comprises obtaining model information from any one or more scan peripherals connected to any of the one or more ports

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when the any one or more scan peripherals does not provide a capability descriptor (column 12, lines 20 through 62, and column 15, line 41 through column 16, line 2), and associating a capability descriptor pre-stored in the memory for storing capability descriptors with the any one or more scan peripherals which does not provide a capability descriptor according to model information obtained in the step of obtaining (column 12, lines 20 through 62, and column 15, line 41 through column 16, line 2).

Regarding *claim 11*, Lo discloses the server discussed above in claim 8, and further teaches that a data string is formatted as a data string including a scan language, an image format, a resolution and a preview scan capability (see Fig. 10, column 15, lines 41 through 55, and column 22, lines 4 through 49).

Regarding *claim 12*, Lo discloses a peripheral (scanner server 130) including a scanning capability (column 7, lines 48 through 60), the peripheral comprising a scan system for scanning documents (scanner 144) and producing electronic data therefrom (column 5, lines 47 through 65), an interface for connecting to a client machine or server (server protocol encoder/decoder 132, connected to the client computer 102, column 7, lines 16 through 47), memory for storing data (column 8, lines 21 through 41), a scan capability descriptor stored in the memory (column 8, line 21 through column 9, line 24), and a controller for communicating with the client machine or server (client computer 102) through the interface to perform a scan job (column 12, lines 20 through 50, and column 15, line 41 through column 16, line 64), the controller sending the capability descriptor to the client machine or server through the interface in response to a query requesting a capability descriptor (column 12, lines 20 through 50, and column 15, line 66 through column 16, line 64).

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Regarding *claim 13*, Lo discloses a method for controlling a scan job directed to a peripheral (scanner server 130) including a scanning function (column 7, lines 48 through 60), the method comprising steps of obtaining a capability descriptor from the peripheral including the scanning function (column 12, lines 20 through 50, and column 15, line 41 through column 16, line 2), then to implement a scan job (column 16, lines 3 through 64), configuring a scan driver from a set of scan drive modules based upon capabilities indicated by the capability descriptor and parameters included in the scan job (column 12, lines 20 through 50, and column 15, line 66 through column 16, line 64).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

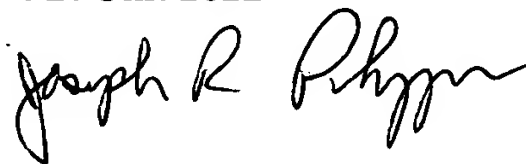
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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa
Examiner
Art Unit 2622



jrj